**HIGH COURT OF UTTARANCHAL AT-NAINITAL.**

Writ Petition No. 177(S/S)2005

1. Vijay Pal, son of Sri Nem Chand, presently working as Assistant Teacher in Primary School Parbada, Post – Bhatelia, District – Nainital.
2. Chet Ram Gangwar, presently working as Assistant Teacher in Primary School Churigarh, Okhalkanda, District – Nainital.
3. Mohan Lal, son of Sri Chandra Sen presently working as Assistant Teacher in Primary School Harinagar Aksora, Post – Kasia Lekh, District – Nainital.
4. Ram Chandra Gangwar, presently working as Assistant Teacher in Primary School Semalkanya, Okhalkanda, District – Nainital.

….Petitioners.

Versus

1. Joint Director of Education, Nainital
2. Basic Shiksha Adhikari, U.S. Nagar.
3. Basic Shiksha Adhikari, Nainital.

…..Respondents.

Sri S.S. Yadav, learned counsel for the petitioners,
Learned Standing Counsel for the respondents.

**Hon'ble M.M. Ghildiyal, J.:**

Heard Sri S.S. Yadav, learned counsel for the petitioners and learned standing counsel for the respondents.

Learned counsel for the parties are agree to decide the writ petition at its admission itself.

By means of this petition, the petitioners who are Assistant Teachers in Primary School in

the district Nainital, have prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioners for district Udham Singh Nagar from district Nainital on the vacant posts of Assistant Teacher.

Contention of the petitioners is that the petitioners were appointed as Assistant Teachers in Primary School in District Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from District – Nainital. At the time of bifurcation, the petitioners were teaching in district Nainital, therefore, options were invited from the petitioners and they have opted for district Udham Singh Nagar. The respondent no. 1 has prepared a list in which names of the petitioners are at serial nos. 39, 55, 43 and 97. respectively. The petitioners have made representation several times before the authority concerned to relieve them for the district they have opted. Till date, the respondents have not taken any decision on the representation and they are not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools of the Region, shall decide the representation moved by the petitioners within a period of four weeks from the date of receipt of a certified copy of this order.

The petitioners are directed to place the copy of this order along with their representations before the Joint Director of Education Basic Kumaon Region, Nainital/In-charge Regional Basic Schools Kumaon Mandal within a period of two weeks from today.

With these directions, the writ petition is finally disposed of.

**(M.M. Ghildiyal, J.)**

February 24, 2005
S.K. Sharma